

HOUSE BILL No. 1232

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-26-7.

Synopsis: Picketing. Provides that a person that engages in unlawful picketing may be enjoined and may be subject to actual and consequential damage to business sales, business opportunities, or property.

Effective: July 1, 2014.

Gutwein

January 14, 2014, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1232

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-26-7 IS ADDED TO THE INDIANA CODE AS
2 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]:

4 **Chapter 7. Picketing**

5 **Sec. 1. This chapter does not apply to picketing that is**
6 **authorized under the Constitution or laws of the United States or**
7 **the Constitution or laws of the State of Indiana, including**
8 **IC 22-6-1.**

9 **Sec. 2. As used in this chapter, "labor organization" has the**
10 **meaning set forth in IC 22-6-6-5.**

11 **Sec. 3. It is unlawful for a person or persons to do any of the**
12 **following:**

13 **(1) Hinder or prevent the pursuit of lawful work or**
14 **employment by picketing, with or without unlawful threats or**
15 **force.**

16 **(2) Obstruct or interfere with the entrance to, or egress from,**



1 any place of employment or a private residence by picketing.

2 (3) Obstruct or interfere by picketing with free and
3 uninterrupted use of public roads, streets, highways, railways,
4 airports, or other ways of travel and conveyance.

5 Sec. 4. An employer, organization, natural person, or other
6 entity that is the subject of an activity prohibited by section 3 of
7 this chapter may bring an action to enjoin the prohibited activity
8 by the person that has performed the prohibited activity in the
9 manner provided for in IC 34-26-1. The action shall be brought in
10 a court with jurisdiction in the county in which the affected
11 employer, organization, natural person, or other entity is located.

12 Sec. 5. The court shall grant injunctive relief to the employer,
13 organization, natural person, or other entity against the person
14 that has performed the prohibited activity if the court finds that
15 the person has engaged or is engaging in any of the conduct
16 prohibited in section 3 of this chapter, without regard to the
17 existence of other remedies, a demonstration of irreparable harm,
18 or other factors.

19 Sec. 6. The court shall award litigation expenses, court costs,
20 and reasonable attorney's fees to a plaintiff who prevails in an
21 action brought under section 4 of this chapter. The court may
22 award other relief the court considers proper.

23 Sec. 7. The failure to comply with an order of the court in an
24 action brought under this chapter may be punished as contempt of
25 court in accordance with IC 34-26-1.

26 Sec. 8. If a labor organization continues to sponsor or assist in
27 an activity prohibited under section 3 of this chapter, the labor
28 organization is subject to an order from the court for actual and
29 consequential damages to:

- 30 (1) business sales;
- 31 (2) business opportunities; or
- 32 (3) property;

33 resulting from the prohibited activity.

34 Sec. 9. In addition to the civil remedies provided under this
35 chapter, a person who knowingly or intentionally violates section
36 3 of this chapter may be charged with a violation of IC 35-43-2-2.

